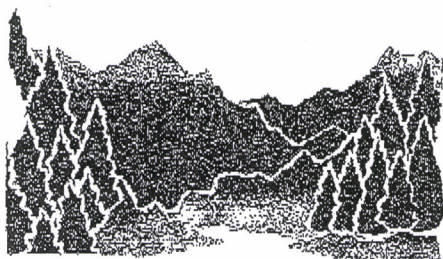


EXHIBIT NO. P. 001/002 8  
DATE 1/15/13  
BILL NO 94

## LAKE COUNTY ENVIRONMENTAL HEALTH

106 FOURTH AVENUE EAST  
POLSON, MT 59860-2175

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January 15, 2013

Senator Taylor Brown, Chair  
Senate Agriculture, Livestock and Irrigation Committee  
Montana State Legislature  
P.O. Box 200500  
Helena, Montana 59620-0500

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To: Senator Sue Matek	From: Susan Bruemmenan	
Co. Montana Senate	Co. Lake County MT	
Dept.	Phone # 406-883-7237	
Fax # 406-444-4875	Fax # 406-883-7205	

March 8, 2011

## RE: LETTER OF OPPOSITION

Senate Bill 94 – An act exempting the exchange of certain foods and beverages from food safety regulations; and amended section 50-50-102 MCA

Dear Senator Taylor and Member of the Committee:

This letter is written in **opposition** to Senate Bill 94 regarding the exemption of certain foods and beverages from public health safety regulations.

My reasons for opposition are as follows:

1. **It is unclear what the language "gathering to exchange" means.** The casual, unstructured exchange of food items, such as a "private" exchange among friends or family has never been licensable under 50-50 MCA. Therefore, this bill is probably proposing something that is more like a "public" retail transfer or bartering of goods. If this is the "exchange" intended, it is similar if not identical to a retail sale or provision of a food product with or without charge. Once a transaction becomes "public" in this retail or commercial sense, it requires licensing oversight to assure public health and safety are protected.
2. **The determination of a high-acid food is more complicated than commonly understood.** Foods that are generally considered high-acid may not be due to the wide variety of food products available today. A heritage tomato may be more acidic than a hybrid tomato; the acidity cannot be known without testing of the finished tomato product. This bill makes no provision for the sanitary control and pH testing of such products that is needed to prevent the growth of the very deadly botulism toxin. Therefore, public health and safety is compromised by this bill.
3. **If foods are to be made acid (acidified food) to comply with this proposed statute change, the health risk is greater than simply preparing a naturally high-acid food.** The federal government considers pickled foods as acidified foods subject to federal regulation. There are specific processes required by federal law to assure food safety. This bill has no provision to control the preparation and testing of acidified foods to assure food safety.

Page Two – Letter of Opposition – SB94 – Exchange of Food Items – January 15, 2013

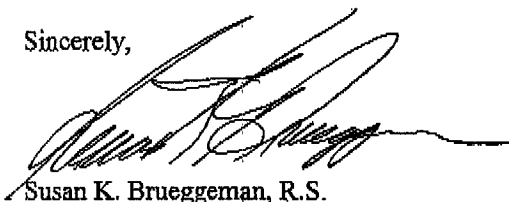
4. **The concept of a "public" transaction involving home-brewed beer has many concerns associated with any manufactured food product.** The concerns include sanitation, labeling, and issues that may involve the Montana Department of Revenue.
5. **The proposed language exempting dehydrated fruits and vegetables from licensing is more complex than commonly understood.** Such food preparation has been prohibited for items sold at farmers' markets. Once a food product is processed by washing, slicing, dicing, or other handling, it becomes subject to wide potential for contamination. These food activities have been restricted to licensed establishments to assure they occur within a sanitary environment with sanitary procedures followed.
6. **The proposed language does not address product labeling which we generally take for granted.** A person "exchanging" any of the foods under this section will have no information as to the ingredients in the product, where it has been prepared, or how to contact the person who prepared the product should there be a problem. Current regulations for food establishments covers the need for product labeling as a means to assure public health information regarding ingredients, allergens, and product trace-back are in place.

While this department supports efforts to provide local foods to local people, there are basic food safety regulations needed to assure public health and safety. **For those who choose to prepare local food products for local people, the means to do so safely through a licensed process and licensed facility are readily available in most communities.** Often a church, community center, or licensed kitchen is very acceptable for licensed local food preparation. In my many years practicing environmental health in Montana, I have not seen lack of a licensable facility as an obstacle to a person who would like to prepare a local product for distribution.

**I urge you to vote in opposition to this bill because it proposes the provision of food that may not be safe and because state law provides a means to prepare and offer food in a manner that is safe through the established state licensing process.**

Thank you for your consideration of my comments.

Sincerely,



Susan K. Brueggeman, R.S.

Director